

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JESSICA POSTELL,

Plaintiff,

-v.-

TRISTAR PRODUCTS INC., et al.,

Defendants.

23 Civ. 2308 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On December 30, 2022, Plaintiff Jessica Postell filed this action in the Supreme Court of New York, Bronx County. *See* ECF No. 1 (Notice of Removal) Ex. A. On February 17, 2023, Defendant Tristar Products, Inc., f/k/a Tristar Innovative Products, Inc. (“Tristar”) was served with the summons and complaint. *See* Notice of Removal Ex. B. On March 3, 2023, Defendant Tristar removed the case to this Court, invoking the Court’s diversity jurisdiction under 28 U.S.C. § 1332(a). *See* Notice of Removal at 1.

On December 20, 2023, the Court issued an Order to Show Cause stating that “[t]he docket does not reflect proof of service of the summons and complaint on any of the remaining Defendants: Pa Zhongshan Usata Electric Appliance Co. LTD., Pro Qc International LTD., Zhongshan Jinguang Household Appliance Manufacture Co., LTD., Zhongshan Jinchang Electric Appliance Co., LTD., Ningbo NDL Electrical Appliances Co., LTD., or Zhongshan Yalesi Electric Co., LTD. (collectively, the ‘International Defendants’).” ECF No. 8 at 1 (Order to Show Cause). The Court therefore ordered Plaintiff to “serve the summons and complaint on the International Defendants or show cause in writing why the claims against those Defendants should not be dismissed pursuant to Rule 4(m).” *Id.* at 2 (“Rule 4(m)’s exception for ‘service in a foreign country under Rule 4(f)’ applies only if ‘the plaintiff . . . attempt[ed] to serve the defendant [that resides] in the foreign country within 90 days’ of the filing of the complaint.” (quoting *Astor Chocolate Corp. v. Elite Gold*

*Ltd.*, 510 F. Supp. 3d 108, 128 (S.D.N.Y. 2020))). The Court notified Plaintiff that “[i]f service has not been effected by **Friday, December 29, 2023**, and if Plaintiff fails to show cause by that date why service has not been made (including by failing to file a response to this Order), the Court may dismiss the action against the International Defendants without further notice.” *Id.* (emphasis in original). Plaintiff did not file anything by the deadline.

Accordingly, the Court hereby DISMISSES without prejudice the claims against the International Defendants pursuant to Rule 4(m). The Clerk of Court is directed to terminate the following Defendants from this case:

Pa Zhongshan Usata Electric Appliance Co. LTD.

Pro Qc International LTD.

Zhongshan Jinguang Household Appliance Manufacture Co., LTD.


Zhongshan Jinchang Electric Appliance Co., LTD.

Ningbo NDL Electrical Appliances Co., LTD.

Zhongshan Yalesi Electric Co., LTD.

SO ORDERED.

Dated: January 18, 2024  
New York, New York

  
JENNIFER H. REARDEN  
United States District Judge